

this, spoke against the amendment. That is why the Senate should not adopt the amendment.

We all agree you need to include a disclaimer. We have to do that and we do that. Federal agencies do that. We cannot make the news editor or the producer of the news show include the disclaimer in the broadcast though. Nor should we be held responsible personally or criticized if that news agency didn't disclaim or print or announce where they got the news story. That is an entirely different obligation and one that the FCC will enforce now and that we all support.

So what I am suggesting is that these are great speeches. This is a good political issue—to accuse the administration of trying to fool the American people by creating the impression that some of their news stories that are produced for the news media are produced by them and not the radio station or the television station or the newspaper that published it or broadcasted it. That is nothing new. But it is not up to the agency or the person who writes the story to communicate it to the audience.

That is the problem. We cannot support it. So it would be my intention to move to table the amendment because of that—not because it is not motivated by the right reasons or doesn't carry with it the sentiment that is appropriate. Of course, it does. But the wording of the amendment itself—not just the purpose of the amendment—is defective in that it imposes an obligation that should not be imposed on Federal agencies, the Government, or individual Members of Congress.

I am hopeful that—and I am sure the Senator from West Virginia will, if he can—the Senator will modify his amendment so it can be accepted. But if that cannot be done, I am prepared to move to table the amendment. I will not do that and cut off the right of any other person to talk about the subject.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his willingness to not move to table at this point. I hope we can take a little time and see if we might reach a meeting of the minds on language that might accomplish the purposes that we hoped to accomplish.

For that reason, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I wonder if I might ask my colleague, the chairman of the committee, my understanding is the pending amendment is the Byrd amendment. But I heard my colleague Senator BYRD indicate he

was trying to see whether there was some language that could be changed so this amendment would be acceptable. I have an amendment I had previously announced I would like to offer. It is an amendment dealing with the independent counsel expenditure of \$21 million. I twice before mentioned this.

I ask the Senator from Mississippi whether it would be appropriate at this point to offer an amendment. My understanding is we would have to set aside the Byrd amendment to do so. I ask the chairman and also Senator BYRD whether that is possible at this moment.

Mr. COCHRAN. Mr. President, I have no objection.

Mr. BYRD. Mr. President, I have no objection. We can reach an understanding if I am unable to come up with language that is capable of being a workable and effective compromise that we might go ahead and have a vote on the Byrd amendment. Might we have a time limit on the Senator's proposal?

Mr. DORGAN. I will be mercifully brief. This is not an amendment that will take a long time to explain, and I do not intend to delay the proceedings of the Senate at all.

#### AMENDMENT NO. 399

Mr. DORGAN. Mr. President, with that in mind and with the cooperation of the Senator from Mississippi, the chairman of the committee, and my colleague Senator BYRD, as well, I offer an amendment on behalf of myself and Senator DURBIN has asked to be a cosponsor as well. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. DURBIN, proposes an amendment numbered 399.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the continuation of the independent counsel investigation of Henry Cisneros past June 1, 2005 and request an accounting of costs from GAO)

At the end of the bill, add the following:

SEC. \_\_\_\_ (a) None of the funds appropriated or made available in this Act or any other Act may be used to fund the independent counsel investigation of Henry Cisneros after June 1, 2005.

(b) Not later than July 1, 2005, the Government Accountability Office shall provide the Committee on Appropriations of each House with a detailed accounting of the costs associated with the independent counsel investigation of Henry Cisneros.

Mr. DORGAN. Mr. President, this matter deals with something I was quite surprised to read about, frankly, in the newspaper, and I have since done some research about it. It was a rather

lengthy newspaper article disclosing that an independent counsel who had been appointed 10 years ago in 1995, a Mr. David Barrett, was still in business and was involved in an investigation that has now cost the American taxpayers \$21 million.

That was an investigation dealing with a Cabinet Secretary who was alleged to have lied, I believe, to the FBI, to authorities, about a payment he gave to a mistress. So an independent counsel was impaneled and began investigating that charge.

That independent counsel has been working for some 10 years, in fact. But the Cabinet officer who was the subject of the investigation pled guilty in 1999. That was 6 years ago. That Cabinet officer was also subsequently pardoned in the year 2001.

In the most recent 6-month report, the independent counsel who was appointed for investigating this transgression is still in business, and had spent \$1.26 million in just that period. And the costs are trending upward, 10 years after he started, 6 years after the subject pled guilty, and 4 years after the subject was pardoned. It is unbelievable.

I do not know anything about the case. I do not really know the Cabinet official in question. I guess I met him some years ago. But this is not about that official any longer. He has pled guilty, been pardoned, and here we are years later with an independent counsel's office still spending money.

I quote Judge Stanley Sporkin, the presiding judge over Mr. Cisneros' trial:

The problem with this case is that it took too long to develop and much too long to bring to judgment day . . . [the matter] should have been resolved a long time ago, perhaps even years ago.

That was a quote from 1999. It is now 2005. The independent counsel is still spending money.

David Barrett, the independent counsel, said in 1999:

We are just glad to have this over and done with. That was following the plea agreement of Mr. Cisneros. Here it is 6 years later and the independent counsel is still in business.

Mr. Barrett said in July 2001:

I want to conclude this investigation as soon as possible.

It is now 4 years later, with the counsel spending \$1.26 million in the last 6 months.

The three-judge panel that is providing oversight to the independent counsel said:

Whether a cost-benefit analysis at this point would support Mr. Barrett's effort is a question to which I have no answer.

Judge Cudahy, a member of the three-judge oversight panel said:

Mr. Barrett can go on forever. A great deal of time has elapsed and a lot of money spent in pursuing charges that on their face do not seem of overwhelming complexity.

Again, this is someone who is accused of lying to the FBI about paying money to a mistress. In the year 1995, the investigation began with Mr. Barrett and the independent counsel. In